

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
MICHELLE MILLAN,

Plaintiff,

-v-

SUSHIBYM INC., and YU YING LIN,

Defendant.

CIVIL ACTION NO.: 19 Civ. 9514 (SLC)

**SETTLEMENT APPROVAL**

**SARAH L. CAVE**, United States Magistrate Judge.

In its September 21, 2020 Order, the Court declined to approve in its entirety the settlement agreement in this case under Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015) based on the inclusion of an overly broad release provision. (ECF No. 22 (citing ECF No. 20-1 at 2)).

Pursuant to that Order, on September 28, 2020, the parties submitted a revised settlement agreement for the Court's review. (ECF No. 24). As the Court instructed, the release provision has now been amended to be limited to Plaintiff's wage and hour claims. Having carefully reviewed the joint letter-motion in support of settlement, the settlement agreement, the amended agreement, and accompanying exhibits, the Court finds that all of the terms of the proposed settlement, including the release and the allocation of attorneys' fees and costs, appear to be fair and reasonable under the totality of the circumstances and in light of the factors enumerated in Wolinsky v. Scholastic Inc., 900 F. Supp. 2d 332, 335 (S.D.N.Y. 2012). Accordingly, the Court approves the settlement.

This action is dismissed with prejudice and without costs except as provided in the settlement agreement. The Court will retain jurisdiction to enforce the settlement agreement. Any pending motions are moot. The Clerk of Court is respectfully requested to close this case.

Dated: New York, New York  
October 2, 2020

SO ORDERED

A handwritten signature in cursive script, reading "Sarah L. Cave", is written over a horizontal line.

SARAH L. CAVE

United States Magistrate Judge